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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,277	05/30/2001	Carsten Thormod Pedersen	P 282898 2980651US/HS/H	7410
909	7590	08/08/2006	EXAMINER KARMIS, STEFANOS	
PILLSBURY WINTHROP SHAW PITTMAN, LLP P.O. BOX 10500 MCLEAN, VA 22102			ART UNIT 3624	PAPER NUMBER

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/870,277	<b>Applicant(s)</b> PEDERSEN ET AL.	
	<b>Examiner</b> Stefano Karmis	<b>Art Unit</b> 3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 28 March 2006.

#### ***Status of Claims***

2. Claims 1-14 are currently pending.

#### ***Response to Amendment***

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Response to Arguments***

4. Applicant's arguments with respect to the priority date of the instant applications with respect to the rejection(s) of claim(s) 1-13 under Katz et al. U.S. Patent 6,424,706 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as discussed below.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-13, the phrase “types of buyable vouchers” and “call units” renders the claim indefinite because it is unclear what different types of vouchers are or what a different type can be. It is unclear whether the type is based on monetary value, issuing institution, time units, foreign currency or some other criteria. For Examining purposes, the Examiner interprets voucher types to be any payment voucher available as a means to update an account. For example, a \$5 voucher is a different voucher type than a \$10 voucher; vouchers purchased in U.S. dollars are different than those purchased in British pounds.

Regarding claims 1-13, the phrase “second voucher” in claim 1 renders the claim indefinite because it is unclear whether there is a first voucher. Without identifying a first voucher, it is unclear how a second voucher can be identified.

Regarding claims 1-6, the phrase “A method of updating a subscriber’s account credit...” in the preamble of claim 1 renders the claims indefinite because there is no steps in the body of the claim in which the subscribers account is updated. Without an “updating” step the claim is rendered indefinite.

Regarding claims 8-11, the phrase “possible change” in claim 8 renders the claim indefinite. It is unclear what constitutes a change to be possible or not.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 6-8 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fournies et al. (hereinafter Fournies) U.S. Patent 5,854,975.

Regarding claims 1, 8, and 12 Fournies discloses a method for updating a subscriber's account credit in a telecommunications system where at least two different types of buyable vouchers can be used for making deposits in the account, the types of buyable vouchers different from each other at least in the price of a call unit, the method comprising:

defining at least two different ways of updating the credit, the different ways of updating differing from each other at least in the way the credit is calculated (column 12, lines 22-27);

maintaining information indicating the type of a last used voucher (column 12, lines 48-60);

receiving a deposit identifying a second voucher (column 12, lines 3-16);

determining the type of the second voucher (column 12, lines 35-47); and

selecting the way of calculating the credit on the basis of the type of the last used voucher and on the basis of the type of the second voucher (column 12, lines 61-63).

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Claims 6, the types of vouchers are determined on the basis of their identification numbers (column 12, lines 27-29).

Claim 7, the telecommunication system is a mobile telecommunications system (column 5, lines 20-26).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. Claims 2-5, 9-11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fougnyes et al. (hereinafter Fougnyes) U.S. Patent 5,854,975.

Claims 2-4, 10, 13 and 14, Fournies teaches checking whether the last used voucher and the second voucher are of the same type (column 12, lines 48-54) and crediting the subscriber's account according to the card type and value (column 12, lines 61-65). Fournies fails to teach calculating a credit by setting the credit to be the value of the second voucher, if said vouchers are different types using a multiplying factor. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fournies and include calculating the credit by setting the credit to be the value of the second voucher because Fournies already teaches two types of calling cards, air-time credit cards and monthly access credit cards. It would be obvious that air time cards are added to other air time cards, and a monthly access card would override any airtime cards during the month for which it is applicable.

Claims 5 and 9, Fournies teaches that a subscriber enters a number corresponding to the prepaid card and presses a button to process the transaction (column 12, lines 22-34). Fournies fails to teach asking the subscriber for permission to update the credit, if the vouchers are of different type; and updating the credit only if the permission is received from the subscriber. Official Notice is taken that prompting a user for approval during a financial transaction is old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings the teachings of Fournies and include asking for permission because it provides for an increase in security when processing transactions.

Claim 11, Fournies teaches a voice response unit used in performing the prepaid calls (column 6, lines 28-62). Fournies fails to teach an Intelligent Peripheral of an Intelligent Network, said Intelligent Peripheral comprising an Interactive Voice Response service through which credits are updated. Official Notice is taken that Intelligent Networks and Interactive Voice Response services are old and well known. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Fournies and include such networks because it increases the efficiency of communications through a network.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

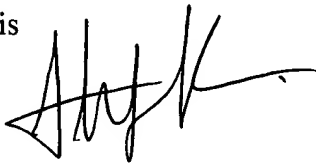
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted  
Stefano Karmis  
24 July 2006



VINCENT MILLIN  
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